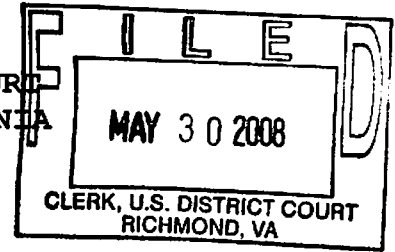


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



BARRY LYNN VIA,

Plaintiff,

v.

Civil Action No. 3:08CV230

DAVID ALLEN, et al.,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on April 25, 2008, the Court conditionally docketed Plaintiff's action. On May 27, 2008, the April 25, 2008 Memorandum Order was returned to the Court by the United States Postal Service marked, "RETURN TO SENDER," "NOT DELIVERABLE AS ADDRESSED" and "UNABLE TO FORWARD." Plaintiff's failure to keep the Court apprised of his current address indicates his lack of interest in prosecuting the present action. See Fed. R. Civ. P. 41(b). Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion to Plaintiff.

It is so ORDERED.

_____/s/ REP
Robert E. Payne
Senior United States District Judge

Richmond, Virginia

Date: May 29, 2008